

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CAROL MULHERN,

Plaintiff,

v.

FEDERAL RETIREMENT THRIFT
INVESTMENT BOARD, MICHAEL
KENNEDY, Managing Director; RON
MCCRAY, Investor and Corp. Director;
DAVID A. JONES, LLC, Independent
Consult. Firm; WILLIAM JASIEN, CEO and
Management Director; and RIVINDRA DEO,
Exe. Director,

Defendants,

v.

UNITED STATES OF AMERICA,

Movant.

CIVIL ACTION

No. 19-671

ORDER

AND NOW, this 18th day of March, 2019, upon consideration of Defendants', Federal Retirement Thrift Investment Board, Managing Director Michael Kennedy, Investor and Corp. Director Ron McCray, David A. Jones, LLC, CEO William Jasien, and Executive Director Rivindra Deo (collectively, "Defendants"),¹ Motion to Dismiss for Failure to State a Claim, Plaintiff Carol Mulhern's Memorandum of Law in Opposition to Defendants' Motion to Dismiss, Defendants' Reply Brief, and Plaintiff's Surreply, it is hereby **ORDERED** that

¹ As the individual Defendants are board members and Executive Director of the FRTIB, and are employees of the United States who were acting within the Scope of their employment at all times relevant to Mulhern's allegations, the United States is substituted as a matter of law pursuant to 28 U.S.C. § 2679(d)(1).

Defendants' Motion to Dismiss (Doc. No. 3) is **GRANTED** and Plaintiff's First Amended Complaint is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case **CLOSED**.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE